

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2003-16-T - ORDER NO. 2004-301

JUNE 22, 2004

IN RE:	Application of Darryl Brown d/b/a Elite)	ORDER
	Transit Service, 312 Griffin Creek Road,)	REINSTATING
	Gadsden, SC 29052 (District 6) for)	CERTIFICATE
	Reinstatement of Class C Charter Certificate)	
	of Public Convenience and Necessity No.)	
	7311-A.)	

This matter comes before the Public Service Commission of South Carolina (the Commission) by way of an Application filed by Darryl Brown d/b/a Elite Transit Service (“Applicant” or “Elite Transit”) to reinstate Class C Charter Certificate of Pubic Convenience and Necessity No. 7311-A (“Certificate”). Certificate No. 7311-A was issued to Elite Transit by Commission Order No. 2003-301, dated May 7, 2003, which amended Elite Transit’s original Certificate No. 7311 by a modification to the name appearing on such Certificate. Elite Transit’s original certification was granted by Commission Order No. 2003-46, dated January 30, 2003, issued in the name of Darryl Brown d/b/a Elite Driver Training.

By Commission Order No. 2004-77, dated March 2, 2004, issued in Docket No. 2004-35-T, a Rule to Show Cause Hearing was set for holders of Certificates of Public Convenience and Necessity for non-payment of the required license fees and for failure to comply with the statutes governing operations of Motor Vehicle Carriers in South Carolina. The holders of Certificates of Public Convenience and Necessity addressed in Order No. 2004-77 were given thirty (30) days from the date of receipt of the Order to respond to the allegations of their failure to comply with the requirements stated above.

The record reflects that Elite Transit was a respondent to the Rule to Show Cause for failure to pay the required license fees.

For those motor carriers who had not responded to the prior notifications of noncompliance, a public hearing regarding this matter was held on Thursday, May 20, 2004, at 10:30 a.m. The Commission found that the Certificates of Public Convenience and Necessity held by certain carriers should be revoked and cancelled for the continued, willful violation by these carriers of the Commission's Rules and Regulations and/or the South Carolina statutes governing Motor Vehicle Carriers [S.C. Code Ann. Section 58-23-10 et. seq. (1976)], with the specific violation being the failure to make payment of license fees as required. Accordingly, the Commission issued Order No. 2004-271, dated May 25, 2004, which cancelled Elite Transit's Certificate No. 7311-A.

The record reveals that the Applicant made payment of the license fees needed for Elite Transit to be in compliance with the Commission's Rules and Regulations and the statutes governing Motor Vehicle Carriers with respect to payment of license fees. By letter received June 10, 2004, Elite Transit requests that the Certificate in question be reinstated.

The Commission is of the opinion, and so finds, that the above-mentioned Certificate should be reinstated, subject to compliance with all the applicable statutes and the Commission's Rules and Regulations.

IT IS THEREFORE ORDERED:

1. That Certificate of Public Convenience and Necessity No. 7311-A in the name of Darryl Brown d/b/a Elite Transit Service be, and hereby is, reinstated, subject to

compliance with all Commission Rules and Regulations within sixty (60) days of the date of this Order.

2. That all operating rights authorized under the Certificate are hereby reinstated, subject to compliance with all applicable statutes and the Commission's Rules and Regulations within sixty (60) days of the date of this Order.

3. That prior to compliance with the applicable statutes and the Commission's Rules and Regulations, including the requirements of filing proof of insurance and the payment of any license fees, the motor carrier services authorized by the Certificate shall not be provided.

4. That the failure of the Applicant to either (1) complete the certification process by complying with the requirements of filing with the Commission proof of appropriate insurance and the payment of license fees and such other information required by law within sixty (60) days of the date of this Order or (2) request and obtain from the Commission additional time to comply with the requirements stated above, shall result in the authorization approved in this Order being revoked.

5. That this Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

/s/
Mignon L. Clyburn, Chairman

ATTEST:

/s/
Bruce F. Duke, Executive Director

(SEAL)